United Nations CEDAW/C/LKA/CO/8

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the eighth periodic report of Sri Lanka*

1. The Committee considered the eighth periodic report of Sri Lanka (CEDAW/C/LKA/8) at its 1484th and 1485th meetings, held on 22 February 2017 (see CEDAW/C/SR.1484 and CEDAW/C/SR.1485). The Committee's list of issues and questions is contained in CEDAW/C/LKA/Q/8 and the responses of Sri Lanka are contained in CEDAW/C/LKA/Q/8/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its eighth periodic report. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group and welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its delegation, which was headed by the Secretary, Ministry of Women and Children's Affairs, Chandrani Senarathne, and included the Permanent Representative of the Permanent Mission of Sri Lanka to the United Nations Office and other international organizations in Geneva, the Ambassador of Sri Lanka to the Republic of Korea and representatives of the Ministry of Foreign Affairs and the Attorney General's Department.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2011 of the State party's combined fifth to seventh periodic reports (CEDAW/C/LKA/5-7) in undertaking legislative reforms, in particular the adoption of the following:

* Adopted by the Committee at its sixty-sixth session (13 February-3 March 2017).

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(a) The Nineteenth Amendment to the Constitution, which restored the Constitutional Council and its ability to recommend appointments to the senior judiciary and key independent institutions, including the appointment of reputed members to the Human Rights Commission of Sri Lanka, in 2015;

(b) Assistance to and Protection of Victims of Crime and Witnesses Act, No. 4 of 2015, which created the National Authority for the Protection of Victims of Crimes and Witnesses;

(c) amendment to the Local Authorities Elections (Amendment) Act, No. 22 of 2012, to include a 25 per cent quota for women in local government bodies, in 2016.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the following:

(a) Finalization of the national action plan for the promotion and protection of human rights for the period 2017-2021, which contains a separate chapter on the protection and promotion of women's rights, in 2017;

(b) Adoption of the national strategic plan to monitor and combat human trafficking, in 2016;

(c) Adoption of the policy framework and national action plan to address sexual and gender-based violence for the period 2016-2020, in 2016;

(d) Co-sponsorship of Human Rights Council resolution 30/1, entitled "Promoting reconciliation, accountability and human rights in Sri Lanka", and the steps taken towards meeting the commitments thereunder, in 2015;

(e) Issuance of a standing invitation to all special procedures mandate holders to visit the State party, in 2015.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international instruments:

(a) Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, both in 2016;

(b) International Convention for the Protection of All Persons from Enforced Disappearance, in 2016;

(c) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2015.

C. Parliament

7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites Parliament, in line with its mandate, to take the

necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.

D. Principal areas of concern and recommendations

Legal status of the Convention

8. The Committee notes the delegation's response that articles 12, 17, 27 and 126 of the Constitution and several national legislative acts and regulations provide an adequate framework to give effect to the Convention. However, the Committee remains concerned that the existing national legal framework is not sufficiently comprehensive to ensure women's exercise of all rights enshrined in the Convention.

9. **The Committee reiterates its previous recommendation (CEDAW/C/LKA/CO/7, para. 13) that the State party incorporate all provisions of the Convention into national law without further delay.**

Legal framework for prohibition of discrimination against women

10. The Committee welcomes the ongoing reform process of the Constitution. However, it remains concerned about the limited participation of women in the process. It takes note of the reply of the State party concerning the proposal of the subcommittee on fundamental rights of the Constitutional Assembly to specifically include sexual orientation and gender identity as a ground for non-discrimination in order to clarify any uncertainty as to whether discrimination based on sexual orientation is prohibited under the right to equality. However, the Committee observes a lack of clarity on the State party's acceptance of the proposal. Furthermore, although article 12 (2) of the Constitution guarantees equality of women and men, the Committee notes with concern the following:

(a) Article 12 (2) does not prohibit direct and indirect discrimination against women, as required in article 1 of the Convention;

(b) Article 16 (1) of the Constitution does not allow judicial review of discriminatory laws that existed prior to the enactment of the Constitution;

(c) Laws and policies do not address intersecting discrimination.

11. **The Committee recommends that, within a clearly defined time frame, the State party:**

(a) **Ensure women's full participation in the process of drafting the new Constitution;**

(b) **Give due consideration to the proposal made by the subcommittee on fundamental rights of the Constitutional Assembly to include sexual orientation and gender identity as a prohibited ground for discrimination;**

(c) **Incorporate into national legislation the principle of equality and non-discrimination, in line with articles 1 and 2 of the Convention, as previously recommended (CEDAW/C/LKA/CO/7, para. 15);**

(d) Repeal article 16 (1) of the Constitution to introduce judicial review of all laws;

(e) Adopt and implement policies and programmes that address intersecting discrimination, including caste-based discrimination.

Discriminatory laws

12. The Committee notes the recommendations of the national action plan for the promotion and protection of human rights, within its five-year time frame, to review and repeal all discriminatory laws that violate fundamental rights. It also notes the following: (a) that the draft amendment repealing discriminatory provisions of the Land Development Ordinance in relation to succession, inheritance and joint ownership has been sent to the Legal Draftsman's Department and (b) the appointment of a cabinet subcommittee in October 2016 to propose amendments to the Muslim Marriage and Divorce Act. The Committee is concerned about the lack of progress made regarding the reform of discriminatory provisions in the Kandyan and the Thesawalamai laws.

13. **The Committee draws attention to the links between articles 1 and 2 of the Convention and target 5.1 of the Sustainable Development Goals to end all forms of discrimination against all women and girls. The Committee reiterates its previous recommendations (A/57/38, part one, para. 275, and CEDAW/C/LKA/CO/7, para. 17) and recommends that the State party accelerate its law reform process, with the full participation of women, and ensure, within a specific time frame, the review and repeal of all discriminatory laws that violate fundamental rights, and in particular:**

(a) Repeal discriminatory provisions of the Land Development Ordinance in relation to succession, inheritance and joint ownership;

(b) Amend all Personal laws, including the Muslim, Kandyan and Thesawalamai laws, by removing discriminatory provisions regulating ownership, inheritance, transfer and disposal of land and property, as well as provisions regulating legal capacity, marriage, divorce and child custody.

Access to justice

14. The Committee is concerned about continuing barriers to women's access to justice, including:

(a) Limited knowledge of gender equality on the part of law enforcement officials and legal practitioners;

(b) Language barriers faced by women wishing to claim their rights, in particular Tamil women;

(c) Social and cultural stigmas, which deter women and girl victims from reporting sexual and gender-based violence, as well as fear of reprisal.

15. **The Committee recalls its general recommendation No. 33 (2015) on women's access to justice and recommends that the State party:**

(a) Provide systematic capacity-building to judges, prosecutors, lawyers, the police officers and other law enforcement officials on the Convention and

on the Committee's general recommendations and its jurisprudence under the Optional Protocol to ensure that the judiciary is independent, impartial, professional and gender-sensitive as a means of safeguarding women's rights;

(b) Increase the number of Tamil-speaking judicial enforcement officers in the north and east of the country;

(c) Enhance women's legal literacy and raise awareness on the part of women and men of their rights in order to eliminate the stigmatization of women and girls who claim their rights.

Women and peace and security: transitional justice mechanisms

16. The Committee commends the development of programmes for transitional justice, resettlement and constitutional reform, including the appointment in 2016 of a consultation task force on the design and implementation process of the mechanisms for truth-seeking, justice, reparations and non-recurrence, in line with Human Rights Council resolution 30/1. The Committee notes the finalization of the task force report in January 2017. However, it notes with concern the following:

(a) The underrepresentation of women in the peacebuilding, reconstruction and reconciliation processes and the absence of a finalized national action plan for the implementation of Security Council resolution 1325 (2000) and subsequent resolutions on women and peace and security to guide post-conflict processes in the State party;

(b) The slow progress made in setting up structures that would allow for the design and establishment of the various transitional justice components, including a comprehensive transitional justice strategy;

(c) The delay in attaining the presidential signature of the Office on Missing Persons Act, No. 14 of 2016, and reports that the Act may be revised to eliminate paragraph 11 (a), which provides for international cooperation.

17. **The Committee recalls its general recommendations No. 25 (2004) on temporary special measures and No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations and recommends that the State party:**

(a) Fully involve women at all stages of the post-conflict reconstruction process, in line with resolution 1325 (2000), implement the consultation task force recommendations that all transitional justice mechanisms should have more than 50 per cent representation by women, finalize a comprehensive national action plan for that resolution that provides a road map with a clear time frame, benchmarks, dedicated budget and regular monitoring mechanism and take into consideration the full spectrum of the Security Council's subsequent resolutions 1820 (2008), 1888 (2009), 1889 (2009), 2122 (2013) and 2242 (2015) and the Committee's general recommendation No. 30;

(b) Ensure the participation of international judges, prosecutors, investigators and lawyers in the accountability mechanisms as a necessary guarantee of the independence and impartiality of the process, in line with paragraph 6 of Human Rights Council resolution 30/1;

(c) Expedite the review of and amendment to the Assistance to and Protection of Victims of Crimes and Witnesses Act to incorporate better safeguards for the independence and effectiveness of the judiciary and witness protection programmes, in line with international standards.

National machinery for the advancement of women

18. The Committee welcomes the Cabinet's approval of a proposal to establish an independent national commission on women in 2017, a policy on women-headed households and a proposal to establish gender mainstreaming committees in 2016. The Committee is concerned that the fragmented national framework may lead to serious inefficiencies in advancing women's rights in the State party. It notes with concern that not all the finalized plans, benchmarks and timelines have been publicized and the resources for those plans allocated. It also notes with concern that the work of the interministerial steering committee established to monitor these plans is not well known, notwithstanding the Right to Information Act, No. 12 of 2016. The Committee reiterates its previous concern (CEDAW/C/LKA/CO/7, para. 16) regarding the absence of a time frame to establish the national commission on women.

19. **The Committee, recalling its general recommendation No. 6 (1988) on effective national machinery and publicity and the guidance provided in the Beijing Declaration and Platform for Action, in particular regarding the conditions necessary for the effective functioning of national machineries, reiterates its previous recommendations (A/57/38, part one, para. 277, and CEDAW/C/LKA/CO/7, para. 19) and recommends that the State party:**

(a) Consolidate and strengthen the various existing action plans into one cohesive strategy and ensure the human, technical and financial resources for their implementation;

(b) Within a specific time frame, ensure the legislative establishment and effective functioning of an independent national commission on women;

(c) Ensure the active participation of civil society and the national commission on women in the monitoring and assessment of the consolidated action plan on the advancement of women's rights in the State party.

Temporary special measures

20. The Committee reiterates its previous concern (CEDAW/C/LKA/CO/7, para. 20) regarding the absence of information on the use of temporary special measures to accelerate the achievement of substantive equality between men and women in all areas of the Convention.

21. **In line with article 4 (1) of the Convention and the Committee's general recommendation No. 25, the Committee recommends that the State party adopt temporary special measures with specific targets and incentives, outreach and support programmes, legal sanctions, special budget allocations and other proactive results-oriented measures to accelerate the achievement of the substantive equality of women and men, in particular in public and political life and in decision-making, education and employment, and with special attention to women from ethnic, religious and sexual minorities, women heads of households, internally displaced women and women with disabilities.**

Stereotypes and gender-based violence against women

22. The Committee welcomes the strategies to eliminate stereotypes in the media, as included in the national action plan for the promotion and protection of human rights and the national action plan to address sexual and gender-based violence, high-level recommendations to criminalize marital rape in all circumstances where the consent of a spouse is absent, regardless of the degree of violence that it entails, and the proposed amendments to strengthen the Prevention of Domestic Violence Act, including by removing discriminatory provisions from the Evidence Ordinance on the credibility of women's testimony. However, the Committee remains concerned at the persistence of patriarchal attitudes and discriminatory stereotypes that condone a culture of impunity for acts of sexual and gender-based violence. It notes with concern the following:

(a) The high prevalence of gender-based violence against women in the State party and the fact that cases of violence against women are underreported owing to a lack of adequate legislation and women's limited access to justice for various reasons, including fear of reprisals, limited trust in the police and the judiciary, extreme delays in the investigation and adjudication of such cases, arbitrary outcomes and very low conviction rates;

(b) In cases of domestic violence, victims are required to participate in mediation as a requisite for pursuing a case in court, which results in women withdrawing their complaints because of intimidation;

(c) The lack of systematic data collection on the investigation, prosecution and sentencing with regard to acts of gender-based violence against women, limited access for women and girls to victim assistance and protection, and the number of shelters in the State party.

23. **Recalling its general recommendations No. 19 (1992) on violence against women and No. 33, the Committee reiterates its previous recommendations (A/57/38, part one, para. 289, and CEDAW/C/LKA/CO/7, paras. 23 and 25) and recommends that the State party:**

(a) **Criminalize marital rape and expand the definition of torture in the Torture Act to include in it severe forms of sexual violence;**

(b) **Amend the Prevention of Domestic Violence Act to ensure that protection orders, upon court issuance, are immediately made available to the parties and effectively enforced, and remove any requirement to participate in mediation prior to pursuing a case in court;**

(c) **Establish a special unit in the Attorney General's Department to expedite the handling of cases of sexual violence and to introduce legislation to prohibit suspended sentences and stipulate mandatory minimum sentences for acts of violence against women;**

(d) **Effectively implement the national action plan to address sexual and gender-based violence and allocate adequate resources to ensure its implementation in a coordinated and effective manner, including by increasing the number of shelters and providing medical treatment, legal support,**

psychosocial rehabilitation, reintegration programmes and compensation to victims;

(e) Intensify public-awareness efforts through strategic media campaigns and educational programmes to address discriminatory stereotypes against women and gender-based violence;

(f) Ensure the systematic collection and analysis of data on all forms of gender-based violence against women, disaggregated by age, ethnic group, region and relationship between the victim and the perpetrator, as previously recommended by the Committee (A/57/38, part one, para. 285).

Conflict-related sexual and gender-based violence against women

24. The Committee notes with concern the following:

(a) The continuing climate of insecurity, in particular for women in conflict-affected zones;

(b) Serious allegations that the military and the police perpetrated harassment, violence, including rape, abductions, torture, sexual bribery and sexual slavery, and unjustified surveillance, including home invasions, especially of women in the Northern and Eastern Provinces, specifically targeting Tamil women, women heads of households, former combatants, war widows and women family members of the disappeared who search for truth, justice and accountability, as well as women human rights defenders;

(c) The fact that the State party has been unable to provide the Committee with the requested data on the number of investigations, prosecutions, convictions and sentences imposed for acts of sexual and gender-based violence against women perpetrated by the armed forces and the police.

25. **In line with the Convention and general recommendation No. 30, the Committee recommends that the State party:**

(a) Implement the zero-tolerance policy for sexual violence perpetrated by the army and the police, ensuring the accelerated investigation into and the prosecution and punishment of all allegations of violence perpetrated against women and girls, including arbitrary arrest, torture and sexual violence and surveillance and harassment;

(b) Reinforce national investigative and prosecutorial capacities and witness and victims' protection and support, including by facilitating the secure and confidential testimony of witnesses, including those from abroad, and ensuring that prosecutions are conducted impartially, objectively and in a timely manner according to international standards, and ensure the right of victims to reparations, the right of victims and societies to know the truth about violations and guarantees of non-recurrence of violations, in accordance with international law;

(c) Carry out a comprehensive mapping of all pending criminal investigations, habeas corpus and fundamental rights petitions relating to sexual violence cases and the findings of all commissions of inquiry, in particular where cases involve the armed forces and the police.

Trafficking and exploitation of prostitution

26. The Committee welcomes the adoption, in 2016, of the national strategic plan to monitor and combat human trafficking for the period 2015-2019. However, it notes the challenges in its implementation and reiterates its concern (CEDAW/C/LKA/CO/7, para. 26) about the low number of investigations, prosecutions and convictions of traffickers. The Committee also notes with concern the reliance on the offence of procurement, under article 360 (a) of the Penal Code, in prosecutions rather than article 360 (c), which provides for trafficking as a criminal offence. It is also concerned that minimum age limits for the migration of female domestic workers may perpetuate trafficking. The Committee reiterates its concern (CEDAW/C/LKA/CO/7, para. 28) that the Vagrants Ordinance Act is used by the police to arbitrarily arrest women in prostitution, using their possession of condoms as evidence of engaging in prostitution, and to subject these women to harassment, sexual bribery and extortion.

27. **The Committee reiterates its previous recommendations (CEDAW/C/LKA/CO/7, paras. 27 and 29) and draws attention to target 5.2 of the Sustainable Development Goals to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, and recommends that the State party:**

(a) Ensure sufficient human, technical and financial resources for the effective implementation and monitoring of the national strategic plan to monitor and combat human trafficking;

(b) Provide continuous capacity-building for law enforcement and other public officials concerned on the early identification, referral, rehabilitation and social integration of trafficking victims, including by providing them with access to shelters, legal, medical and psychosocial assistance;

(c) Prevent, prosecute and adequately punish traffickers and adopt gender-specific protection measures for women and girl victims;

(d) Address the legal gaps that impede the prosecution of traffickers under article 360 (c) of the Penal Code;

(e) Systematically collect sex-disaggregated data on both exploitation of prostitution and trafficking in persons;

(f) Intensify efforts aimed at bilateral, regional and international cooperation to prevent trafficking, including by executing memorandums of understanding with other countries in the region and harmonizing legal procedures to prosecute traffickers, in particular with neighbouring States and other relevant States members of the South Asian Association for Regional Cooperation;

(g) Repeal the Vagrants Ordinance Act and, in the interim, impose penalties on police officers who misuse the Act to harass women in prostitution and sexual minority women and ensure that victims are provided with gender-sensitive protection and support, including exit programmes for women wishing to leave prostitution.

Participation in political and public life and in decision-making

28. The Committee welcomes the adoption of a 25 per cent quota for the appointment of women at the local government level in the Local Authorities Elections (Amendment) Act and the approval by the Cabinet, in 2016, of a proposal to amend the Provincial Councils Elections Act, No. 2 of 1988, to enact a minimum 30 per cent quota for women on political parties' nomination papers for each province. However, it notes with concern that women have accounted for only 5 per cent of national parliamentarians over the past 15 years and that the number of women Cabinet ministers remains very low. It also regrets the lack of information on the representation of minorities, such as Tamil and Muslim women and women with disabilities, in decision-making positions.

29. **In line with its general recommendation No. 23 (1997) on women in political and public life, the Committee reiterates its previous recommendations (A/57/38, part one, para. 279, and CEDAW/C/LKA/CO/7, para. 31) and recommends that the State party pursue sustained policies aimed at the promotion of women's full and equal participation in decision-making at the national and local levels and that it:**

(a) **Ensure, within a set time frame, the enactment of the proposed minimum 30 per cent quota for women candidates on nomination papers of political parties at the provincial level and introduce a similar quota for women candidates at the national level;**

(b) **Adopt measures, including temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25, in the form of legal quotas for women, including minority women, with a view to ensuring the targeted representation of women, including minority groups;**

(c) **Undertake awareness-raising activities targeting the general public and political parties on the importance of the participation of women in decision-making in order to eliminate discriminatory stereotypes regarding the roles of women and men in the family and in society;**

(d) **Establish a disaggregated data collection system on the participation of women representing various minorities in decision-making positions in all sectors and at all levels.**

Education

30. The Committee commends the high literacy of women, the near-universal enrolment of girls and boys at the primary level of education and the increase in the compulsory education age from 14 to 16 years. However, the Committee notes with concern the following:

(a) The low education level among the following: women from low-income families, in particular from ethnic minority groups, schools located near fisheries and plantations in the Northern and Eastern Provinces and in poor urban and rural areas; children of migrant workers whose parents work abroad; girls from households headed by women; victims of child and early marriage; and girls with disabilities;

(b) The absence of programmes to provide education as a means of reparation and reconciliation and of protecting girls in the conflict-affected area from harassment, abuse and violence in schools;

(c) The underrepresentation of women and girls in science, technology, engineering and mathematics in tertiary education and of women teachers of and researchers in those subjects;

(d) The low number of vocational schools with adequate infrastructure for girls, especially in conflict-affected areas;

(e) The fact that early pregnancy remains a cause for the dropout of girls from school.

31. **The Committee, in line with target 4.5 of the Sustainable Development Goals, to eliminate gender disparities in education, recalls its previous recommendations (A/57/38, part one, para. 281, and CEDAW/C/LKA/CO/7, para. 33) and recommends that the State party:**

(a) **Use temporary special measures aimed at eliminating disparities in access to good quality education, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25;**

(b) **Ensure the implementation, monitoring and evaluation of human rights and peace education in the curricula at all levels of education;**

(c) **Combat discriminatory gender stereotypes in education and mainstream gender into national education policies, including the education sector development framework and programme, and integrate gender equality education into school curricula at the primary level;**

(d) **Develop and expand gender-sensitive programmes, including temporary special measures in high technological skills, in the technical education and vocational training sector, to orient women and girls towards technical fields of study and career paths, with a view to them becoming qualified for employment in such sectors;**

(e) **Institutionalize age-appropriate comprehensive education on sexual and reproductive health and rights, addressing responsible sexual behaviour, with special attention given to the prevention of early pregnancy.**

Employment

32. The Committee draws attention to the historically low participation of women in the labour market and the high unemployment rate among women. It is concerned at the wide gender wage gap, the limited implementation and monitoring of the principle of equal pay for work of equal value and the concentration of women in the informal employment sector. The Committee is also concerned at the lack of disaggregated data on sexual harassment in the workplace and on measures taken to address such cases. It notes with concern the absence of comprehensive measures to facilitate re-entry into employment by former women combatants, taking into account their specific skills.

33. **The Committee recommends that the State party:**

(a) Adopt measures to facilitate women's entry into traditionally male-dominated fields of employment;

(b) Implement laws and policies to protect and promote the rights of women working in informal sectors and in free trade zones;

(c) Reduce the gender wage gap by applying regular pay surveys and establishing effective monitoring and regulatory mechanisms for employment and recruitment practices;

(d) Collect disaggregated data on sexual harassment in both the public and private sectors, including on the sanctions imposed on perpetrators;

(e) Provide assistance to former female combatants to gain access to appropriate employment and vocational training opportunities free from stereotypes;

(f) Ratify the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.

Health

34. The Committee commends the State party on its investment in health, including the provision of free medical services for all citizens. It also welcomes the decrease in both maternal and child mortality. It notes the recommendations of a committee appointed by the Minister of Justice in 2016 on decriminalizing abortion. It is concerned, however, about the absence of specific information or data on the following:

(a) The availability and quality of health-care services for women in conflict-affected areas and the plantation sector and the existence of programmes and support to address the psychosocial trauma of war-affected women;

(b) The availability and accessibility of sexual health information that takes into account the needs of all women and girls;

(c) The lack of data on the prevalence of HIV in the State party, including among women and girls, and the existence of programmes for the early prevention and early detection of HIV.

35. **The Committee, recalling its general recommendation No. 24 (1999) on women and health, draws attention to targets 3.1 and 3.7 of the Sustainable Development Goals on the reduction of global maternal mortality ratios and ensuring universal access to sexual and reproductive health-care services, and recommends that the State party:**

(a) Amend its legislation to legalize abortion not only in cases in which the life of the pregnant woman is threatened, but also in all cases of rape, incest and severe fetal impairment, and to decriminalize abortion in all other cases;

(b) Remove barriers to women's access to safe abortion services, such as the requirement of a judicial inquiry as to whether there should be a medical termination of the pregnancy and the need for a medical certificate authorizing an abortion;

(c) Ensure adequate budgetary allocations to meet the health needs of women in conflict-affected areas and in the plantation sector, especially for sexual and reproductive health;

(d) Ensure access to sexuality information for all women and girls;

(e) Provide region-specific data on the transmission and prevalence of HIV and on the availability and accessibility of prevention and early-detection programmes for women and girls living with HIV.

Women heads of households

36. The Committee welcomes the national policy on women-headed households, which was approved in 2016, and the accompanying national action plan for the period 2017-2019. The Committee notes the high proportion of women heads of households in the State party, comprising 24 per cent of the female population, and is concerned that their vulnerability is compounded by their experience of intersecting forms of discrimination. The Committee notes with concern the following:

(a) The fact that the varied and restrictive definitions used for "women-headed households" by the authorities exclude many from social benefits and welfare programmes;

(b) The inadequacy of funds allocated to these welfare programmes, their limited implementation, the lack of information on them and the abuse of administrative power through demands for sexual favours from women heads of households;

(c) The vulnerability of women heads of households to poverty and the negative impact of owner-driven housing programmes, which have exacerbated the level of indebtedness of many households in the Northern and Eastern provinces;

(d) The exploitation of women by private financial companies as a result of women's limited access to credit;

(e) The inability of many women in the north and east of the country to gain access to housing grants, land and social services owing to the loss of birth certificates, land titles and national identification cards during the war.

37. **The Committee reiterates its recommendations issued in 2002 (A/57/38, part one, para. 297) and recommends that the State party:**

(a) Establish a disaggregated database on women heads of households in the State party that takes account of the heterogeneity within the group and use this to develop a clear and inclusive categorization of women heads of households to be used uniformly in welfare and resettlement policies and programmes;

(b) Amend the Bribery Act to include the offence of sexual bribery, ensuring that perpetrators are adequately punished;

(c) Create a social security system for women heads of households and ensure the wide dissemination of information pertaining to welfare programmes;

(d) Ensure equal eligibility criteria for women and men for obtaining bank loans, mortgages and other forms of financial credit from public and private institutions by removing any additional requirements for women;

(e) Introduce low-interest or interest-free credit schemes for women heads of households and families living in poverty, with recovery plans adapted to their income generation patterns;

(f) Establish a well-coordinated and systematic system for issuing personal documents and property titles to ensure that women have equal access to livelihood assistance, housing and land in their own name.

Migrant women

38. The Committee is concerned about the existence of discriminatory regulations that impose restrictions only on migrant women, namely, to appoint guardians for any children under 6 years of age. It also notes with concern that women who have children with special needs are prevented from migrating.

39. **The Committee recommends that the State party abolish the family background report, with a view to lifting the sex-specific restrictions on migration.**

Rural women

40. The Committee notes the State party's efforts aimed at promoting rural development, including the Cabinet's approval, in 2016, of a proposal for the allocation of a minimum of 25 per cent of all investment in rural economic development to benefit women. It also notes that 77 per cent of the population lives in rural areas and that women are actively engaged in rural industries. The Committee is concerned about the low participation of rural women in the leadership of trade unions of rural industries, their difficult working conditions and low wages, and the high level of drug addiction experienced by women in fisheries. The Committee is further concerned that women's access to land continues to be restricted by the Land Development Ordinance (1935), which gives preference to male heirs over female heirs in relation to the inheritance of land.

41. **The Committee recalls its general recommendation No. 34 (2016) on the rights of rural women and recommends that the State party:**

(a) Establish a mechanism to ensure the implementation, monitoring and assessment of rural economic development investments benefiting women;

(b) Use temporary special measures to ensure women's participation in the leadership of trade unions of rural industries;

(c) Address the poor working conditions in the fisheries industry and provide health and counselling support to women with drug addictions;

(d) Address the pay gap and the denial of maternity leave in rural industries.

Militarization of land

42. The Committee is concerned about the ongoing militarization of large areas of private land in the conflict-affected areas of the country, the usurpation of civilian administration responsibilities by the military and the resulting large-scale displacements of women and men in the State party, where 32 camps for internally displaced persons continue to exist. It is particularly concerned that such militarization constitutes a barrier to the resettlement of internally displaced women, durable solutions for their housing and their ability regain their livelihoods.

43. The Committee recalls its general recommendation No. 34 and recommends that the State party:

(a) Urgently demilitarize land, in particular in the north, return this land to displaced women and men to enable them to regain their land and access livelihood opportunities and ensure that the military are barred from assuming civil administration duties;

(b) Conduct a proper mapping exercise of the land currently occupied by the military and land currently not in use or unjustifiably used for military purposes, with a view to returning such land without delay to the legitimate owners;

(c) Implement the recommendation of the national action plan for the promotion and protection of human rights to ensure that women heads of households and internally displaced persons have adequate and durable access to housing;

(d) Ensure that complaints about land grabbing, including by the military, are investigated and that perpetrators are adequately punished.

Discriminatory laws in marriage and family relations

44. The Committee acknowledges that a Cabinet subcommittee was appointed in 2016 to amend the Muslim Marriage and Divorce Act. However, it notes that the committee appointed by the Minister of Justice in 2009 to consider and propose reforms to Muslim personal law and the Quazi courts has not issued any recommendations. The Committee reiterates its previous concerns (CEDAW/C/LKA/CO/7, para. 44) and, given that the Act imposes exclusive and compulsory jurisdiction over Muslim marriages, expresses its specific concern that:

(a) It does not specify a minimum age of marriage and that girls under 12 years of age are permitted to marry;

(b) It restricts the legal and judicial officer positions of Quazis, members of the Board of Quazis, marriage registrars and adjudicators to male Muslims only;

(c) The law on statutory rape is not applicable to girls under 16 years of age who are legally married under Muslim law who engage in sexual intercourse with their husband while not legally separated.

45. Recalling its general recommendations No. 21 (1994) on equality in marriage and family relations and No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, and joint general

recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, the Committee reiterates its previous recommendations (CEDAW/C/LKA/CO/7, para. 45) and recommends that the State party:

(a) Prepare a unified family code in conformity with the Convention in which the equal rights of women and men in family relations, including marriage, divorce, inheritance, property and land, are addressed;

(b) Amend the General Marriage Registration Ordinance to ensure that Muslim women have the free choice to opt out of the Muslim personal law so as to be registered under the general law;

(c) Ensure that property rights are governed by general civil contractual and property law rather than religious law;

(d) Increase the minimum age of marriage for all women in the State party to 18 years of age;

(e) Eliminate any restriction on women's eligibility to be appointed as Quazis, as members of the Board of Quazis, marriage registrars and adjudicators;

(f) Amend article 363 of the Penal Code to ensure that the crime of statutory rape applies to all girls under the age of 16 years, without exception.

Data collection and analysis

46. The Committee recommends that the State party enhance the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status, and the use of measurable indicators to assess trends in the situation of women and progress made towards the realization by women of substantive equality in all areas covered by the Convention.

Beijing Declaration and Platform for Action

47. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.

2030 Agenda for Sustainable Development

48. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

Dissemination

49. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national,

regional and local), in particular to the Government, the ministries, Parliament and the judiciary, to enable their full implementation.

Technical assistance

50. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.

Ratification of other treaties

51. The Committee encourages the State party to ratify the Rome Statute of the International Criminal Court and the 1951 Convention relating to the Status of Refugees, to which it is not yet a party.

Follow-up to the concluding observations

52. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 13 (a), 13 (b) and 23 (d) and 25 (c) above.

Preparation of the next report

53. The Committee invites the State party to submit its ninth periodic report in March 2021. In case of delay, the report should cover the entire period up to the time of its submission.

54. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).